

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:04CV11**

**GERALD D. PAYNE; DENNY  
CHARLES PEARCE; and MAURICE  
ANTHONY LASHER,**

**Plaintiffs,**

**Vs.**

**STEVEN A. WARD; SAMUEL G.  
FERRELL; RAY CHASTEN; HERMAN  
W. McEWAN; LIONEL KOON;  
TANTAMOUNT, L.L.C.; PARKLAND  
TRUST B.T.; JAMES R. KELLER; and  
ADVENTUROUS LIVING, INC.,**

**Defendants.**

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**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court on the Plaintiffs' motion to dismiss this action as to the Defendant Herman W. McEwan without prejudice.

For the reasons stated in the motion and for cause shown,

**IT IS, THEREFORE, ORDERED** that Plaintiffs' motion to dismiss is **ALLOWED**, and this matter is hereby **DISMISSED WITHOUT PREJUDICE** as to the Defendant Herman W. McEwan.

**Signed: September 19, 2005**

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

